

**IN THE COURT OF APPEALS  
FIRST APPELLATE DISTRICT OF OHIO  
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-150392
	:	TRIAL NO. B-0503792-A
Plaintiff-Appellee,	:	
vs.	:	<i>JUDGMENT ENTRY.</i>
LADAWNE FIGGS,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* Rep.Op.R. 3.1; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant LaDawne Figgs appeals from the judgment of conviction entered by the Hamilton County Common Pleas Court in 2015, correcting the postrelease-control portion of his 2005 sentences for burglary and attempted burglary. We affirm the court’s judgment.

Figgs was convicted in 2005 upon guilty pleas to two counts of burglary and a single count of attempted burglary. We affirmed his convictions on appeal. *State v. Figgs*, 1st Dist. Hamilton No. C-050686 (May 17, 2006).

In 2015, Figgs filed with the common pleas court a “Motion for Resentencing Based on Void Judgment,” seeking resentencing on the grounds that the trial court had failed to provide adequate postrelease-control notification or to notify him that he could be ordered to perform community service if he did not pay the costs of his prosecution.

The court did not enter judgment either granting or overruling the motion, but ordered Figgs returned “for the purpose of postrelease control notification.” Figgs filed a “Statement for his Re-Sentencing Hearing.” And following that hearing, the common pleas court entered a corrected judgment of conviction, providing notice in conformity with the statutory mandates concerning postrelease control.

We address together, and overrule, Figgs’s first and second assignments of error, challenging the common pleas court’s failure to grant him the relief sought in his 2015 “Motion for Resentencing” based on the alleged lack of community-service notification when he was sentenced in 2005; the court’s failure, in correcting postrelease control, to also grant relief based on the matters raised in his pro se “Statement for his Re-Sentencing Hearing” concerning court costs, community-service notification, and trial counsel’s effectiveness in counseling his 2005 guilty pleas; and the effectiveness of counsel appointed to represent him at his 2015 resentencing hearing in failing to raise the matters of costs, community-service notification, and trial counsel’s alleged ineffectiveness. The postrelease-control portion of Figgs’s 2005 sentences was subject to correction by the common pleas court in 2015, because the improper imposition of postrelease control had rendered that part of his sentences void. *See State v. Fischer*, 128 Ohio St.3d 92, 2010–Ohio–6238, 942 N.E.2d 332, paragraph one of the syllabus. But Figgs’s 2005 convictions would not have been rendered void by the alleged errors concerning costs, *see State v. Holmes*, 1st Dist. Hamilton No. C-150290, 2016-Ohio-4608, ¶ 5, by the lack of community-service notification, *see State v. Wurzelbacher*, 1st Dist. Hamilton No. C-130011, 2013-Ohio-4009, ¶ 11, or by trial counsel’s alleged ineffectiveness. *See Strickland v. Washington*, 466 U.S. 668, 694, 104 S.Ct. 2052, 80 L.Ed.2d 674 (1984); *State v. Bradley*, 42 Ohio St.3d 136, 538 N.E.2d 373 (1989).

Therefore, at the 2015 hearing to correct postrelease control, the court was barred under the doctrine of res judicata from granting relief on those grounds. *See Fischer* at paragraphs two and three of the syllabus. Accordingly, we cannot say that, at resentencing, the court erred in not granting, or counsel was ineffective in not seeking, that relief. *See id.* at paragraphs two and four of the syllabus; *State v. Hall*, 1st Dist. Hamilton No. C-100097, 2011-Ohio-2527, ¶ 8-12; *State v. Brown*, 1st Dist. Hamilton Nos. C-100309 and C-100310, 2011-Ohio-1029, ¶ 9-12.

We also overrule Figgs’s third assignment of error, challenging the resentencing court’s “err[or]” or “abuse of discretion” in “lock[ing] [his] files after resentencing.” Because the alleged error or abuse of discretion did not occur during the proceedings leading to Figgs’s 2015 judgment of conviction, the record on this appeal from that judgment does not manifest the error of which he now complains.

We, therefore, affirm the judgment of the court below.

A certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

**MOCK, P.J., CUNNINGHAM and ZAYAS, JJ.**

To the clerk:

Enter upon the journal of the court on March 17, 2017  
per order of the court \_\_\_\_\_.

Presiding Judge